



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

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MAILED**OCT 12 2001**

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Inventor: Pramond K. Srivastava
Application No.: 09/090,754
Filed: 06/4/98
For: Composition and methods for the
prevention and treatment of primary and
infectious diseases with heat
shock/stress proteins
Accorded benefit: 08/527,391, filed
9/13/95, now U.S. Patent No. 5,837,251,
issued 11/17/98

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 104,761.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).


RICHARD TORCZON
Administrative Patent Judge

APJ Richard Torczon
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WASHINGTON DC 20231
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NONPRECEDENTIAL

Paper No. 1

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

OCT 12 2001

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

UNIVERSITY OF NEW MEXICO
(5,747,332),

Junior Party,

v.

FORDHAM UNIVERSITY
(09/090,754),

Senior Party.

Patent Interference No. 104,761

NOTICE DECLARING INTERFERENCE
(37 C.F.R. § § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the captioned parties. Details of the application, patent, counts, and claims designated as corresponding to the counts appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

**Part B. Administrative patent judge assigned
to administer the interference**

Richard Torczon has been designated to handle the interference. 37 CFR § 1.610.

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for action in this interference is scheduled for **10 a.m. (Eastern) on 6 December 2001.** (The Board will initiate the call.)

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE. Counsel are encouraged to discuss the order by telephone prior to the telephone conference call and to reach an agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. The parties to this interference

Junior Party

Inventors: Erik S. Wallen, Jan Roigas, and Pope L. Moseley, all of Albuquerque,
NEW MEXICO

Patent: 5,747,332, issued 5 May 1998
(08/717,239, filed 20 September 1996)

Title: Methods for purifying and synthesizing heat shock protein complexes

Priority benefit: None

Assignee: The University of New Mexico

Attorneys: See last page

Address: See last page

Senior Party

Inventor: Pramod K. Srivastava of Riverdale, New York

Application: 09/090,754, filed 4 June 1998

Title: Compositions and methods for the prevention and treatment of primary and
metastatic neoplastic diseases and infectious diseases with heat shock/stress
proteins

Priority benefit: 08/527,391, filed 13 September 1995
(5,837,251, issued 17 November 1998)

Assignee: Fordham University

Attorneys: See last page

Address: See last page

Part F. Counts and claims of the parties

Count 1

The method of University of New Mexico claim 10 or Fordham University claim 62.

Count 2

The method of University of New Mexico claim 22 or Fordham University claim 65.

The claims of the parties are:

University of New Mexico: 1-23
Fordham University: 60-95

The claims corresponding to Count 1:

University of New Mexico: 1, 3-5, and 7-12
Fordham University: 60, 62-64, 78, 89, 90, and 92

The claims corresponding to Count 2:

University of New Mexico: 13, 15-17, and 19-23
Fordham University: 65-67, 79, 80, and 93

The claims not corresponding to either count:

University of New Mexico: 2, 6, 14, and 18
Fordham University: 61, 68-77, 81-88, and 91

Part G. Heading to be used on papers

The following heading shall be used on all papers filed in the interference. See § 18 of
the STANDING ORDER.

Filed on behalf of: Party _____ Paper No. _____¹

By: Name of lead counsel
 Name of backup counsel
 Street address
 City, State, and ZIP Code
 Tel:
 Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Torczon)

UNIVERSITY OF NEW MEXICO
(5,747,332),

Junior Party,

v.

FORDHAM UNIVERSITY
(09/090,754),

Senior Party.

Patent Interference No. 104,761

TITLE OF PAPER

¹ Leave blank for the Board to insert the paper number when the paper is entered into the administrative record.

Part H. Summary of dates for taking action

Dates and times for taking action are set in the following sections of the STANDING

ORDER:

1. § 7 - date for identifying lead and backup counsel.
2. § 8 - date for identifying any real party in interest.
3. § 9 - date for requesting copies of involved and benefit applications and patents.
4. § 17 - date for filing list of preliminary motions to be filed.
5. § 19 - date for accomplishing certain discovery.
6. § 20 - date for filing clean copy of claims.
7. § 21 - date for filing clean copy of claims in cases with drawings or claims containing a means-plus-function limitation.
8. § 23 - times for filing oppositions to Rule 635 motions and times for filing replies to oppositions.
9. § 33 - time for objecting to admissibility of evidence.
10. § 34 - time for serving supplemental affidavits or evidence to respond to an objection to admissibility of evidence.
11. § 35 - times when cross-examination can take place.
12. § 45 - times for taking action with respect to settlement discussions

Part I. Order form for requesting file copies

FILE COPY REQUEST
Patent Interference No. 104,761

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

Telephone, including area code: _____

Part J. Signature and enclosures


RICHARD TORCZON
Administrative Patent Judge

Enclosures:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference

Copy of order used for setting times for taking action in the priority phase of the interference

Form PTO-850

Copy of U.S. Patent 5,747,332

Copy of the application claims for 09/090,754

Interference No. 104,761
University of New Mexico v. Fordham University

Paper No. 1
Page 9

cc (via overnight carrier):

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